

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AN QUOC VO,

Plaintiff,

v.

THE LUBRIZOL CORPORATION,

Defendant.

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CIVIL ACTION NO. 4:24-cv-2459

DEFENDANT THE LUBRIZOL CORPORATION’S NOTICE OF REMOVAL

TO THE HONORABLE U.S. DISTRICT JUDGE:

Defendant The Lubrizol Corporation (“Defendant” or “Lubrizol”), files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully shows as follows:

**I.
PROCEDURAL BACKGROUND**

1. On April 1, 2024, Plaintiff An Quoc Vo (“Plaintiff” or “Vo”) filed her Original Petition in Cause No. 1225333; *An Quoc Vo v. The Lubrizol Corporation*, in the County Civil Court at Law No. 4 of Harris County, Texas (the “State Court Action”).

2. Lubrizol was served on or about June 7, 2024.

3. Lubrizol will promptly file this Notice of Removal in the State Court Action with the clerk of the State Court and will give written notice to Plaintiff of the same.

**II.
NATURE OF THE SUIT**

4. Plaintiff is a current employee of Lubrizol. She alleges a claim against Lubrizol under *Sabine Pilot* and listed the elements for common law fraud in her Original Petition.¹

¹ See Exhibit B, Plaintiff’s Original Petition, paragraphs 20-32.

III.
GROUND FOR REMOVAL

5. Pursuant to 28 U.S.C. §1332, this case is properly removable to federal court and this Court has original subject matter jurisdiction over this civil action because it involves a controversy between citizens of different states and Plaintiff alleges an amount in controversy that exceeds \$75,000, exclusive of interest and costs.

6. Complete diversity of citizenship exists between the parties to this suit. Per Plaintiff's Original Petition, Plaintiff resides in Harris County.² Upon information and belief, Plaintiff is a citizen of Texas. Lubrizol is incorporated in Ohio, and has its principal place of business in Ohio. Exhibit A, Declaration of Benita R. Burton. Accordingly, Lubrizol is a citizen of Ohio. *See*, 28 U.S.C. §1332(c)(1). Therefore, the parties are completely diverse. 28 U.S.C. §1332(a).

7. In Plaintiff's Original Petition, she avers she seeks "[m]onetary relief of \$250,000.00, excluding interest, exemplary damages, statutory or punitive damages and penalties, and attorney's fees and costs" and claims she "has incurred actual damages in the amount of \$250,000.00."³ Thus, the amount in controversy exceeds \$75,000.

8. Federal diversity jurisdiction exists because the parties are completely diverse, and the amount in controversy exceeds \$75,000.

IV.
REMOVAL IS PROCEDURALLY CORRECT

9. Lubrizol was served on or about June 7, 2024. This Notice of Removal is timely filed within the thirty (30) day statutory time period pursuant to 28 U.S.C. §1446(b).

10. Pursuant to 28 U.S.C. §1446(a) and Local Rule 81, attached to this Notice of

² *See* Exhibit B, Plaintiff's Original Petition, paragraph 3.

³ *See* Exhibit B, Plaintiff's Original Petition, paragraph 2, subpart (1); paragraph 33; *see also* paragraph 31.

Removal are the following:

- Exhibit A – Declaration of Benita R. Burton;
- Exhibit B – Plaintiff’s Original Petition;
- Exhibit C – Citation of Process;⁴
- Exhibit D – Case Management Order and Notice of Intent to Dismiss;
- Exhibit E – State Court Action Docket Sheet;
- Exhibit F – Index of Matters Being Filed; and
- Exhibit G – List of All Counsel of Record.

11. Plaintiff filed suit in Harris County, Texas. Pursuant to 28 U.S.C. §1446(a), Defendant removes this matter to the Houston Division of the United States District Court for the Southern District of Texas because it is the district and division within which Plaintiff’s lawsuit is pending.

12. Pursuant to 28 U.S.C. §1446(d), Defendant will provide written notice to Plaintiff and will file a copy of this Notice of Removal with the Clerk in the State Court Action.

V.
PRAYER

Defendant The Lubrizol Corporation respectfully requests that the above-entitled action be removed from the County Civil Court at Law No. 4 of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, and any additional relief to which it may be justly entitled.

⁴ Plaintiff did not properly serve a complete copy of the Original Petition as indicated with a missing page in Exhibit C. As of the date of this filing, an executed citation has not been filed.

Respectfully submitted,

**CHAMBERLAIN, HRDLICKA, WHITE,
WILLIAMS & AUGHTRY, P.C.**

By: /s/ Diana Pérez Gomez
Diana Pérez Gomez
State Bar No. 24041674
Federal I.D. No. 606231
1200 Smith Street, Suite 1400
Houston, Texas 77002
Telephone: (713) 658-1818
Facsimile: (713) 658-2553
diana.gomez@chamberlainlaw.com

**ATTORNEY IN CHARGE FOR DEFENDANT
THE LUBRIZOL CORPORATION**

OF COUNSEL:

Leslie T. Tan
State Bar No. 24046998
Federal I.D. No. 635202
1200 Smith Street, Suite 1400
Houston, Texas 77002
Telephone: (713) 658-1818
Facsimile: (713) 658-2553
leslie.tan@chamberlainlaw.com

CERTIFICATE OF SERVICE

On June 28, 2024, pursuant to Federal Rule of Civil Procedure 5, this Notice of Removal was sent to:

Minh-Tam Tran
THE TAMMY TRAN LAW FIRM
4900 Fournace Place, #418
Bellaire, Texas 77401

/s/ Diana Pérez Gomez
Diana Pérez Gomez